

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HELEN RUNGE

Plaintiff,

v.

WALTER J. KELLEY; KERRY L.
BLOOMINGDALE, M.D.; and
SUNBRIDGE NURSING AND
REHABILITATION CENTER.

Defendants.

Civil Action No. 05-10849-RGS

**MOTION of DEFENDANT SUNBRIDGE to TRANSFER COUNT III
to the MASSACHUSETTS SUPERIOR COURT for the LIMITED PURPOSE
of CONVENING a MEDICAL MALPRACTICE TRIBUNAL**

On June 30, 2005, Defendant Mediplex of Massachusetts, Inc. d/b/a SunBridge Care and Rehabilitation for Randolph timely filed its answer in this matter.¹ In its *Answer*, Defendant SunBridge requested a medical malpractice tribunal. *Answer*, page 4. On June 28, 2005, this Court granted Defendant Bloomingdale's motion to transfer certain claims against him to the Massachusetts Superior Court for the limited purpose of convening a medical malpractice tribunal pursuant to Mass.G.L. c. 231, §60B. As this Court noted in its order, Count III of the *Complaint* alleges that the defendants breached the standard of care (malpractice). Defendant SunBridge is a skilled nursing facility. Allegations that that a skilled nursing facility breached the standard of care are also subject to medical malpractice tribunals under Mass.G.L. c. 231, §60B.

Wherefore, Defendant SunBridge moves this Honorable Court for an order that the claims in Count III of the *Complaint* against it are to be included in the transfer of the case to the

¹ The Complaint miss-identifies Mediplex of Massachusetts, Inc. d/b/a SunBridge Care and Rehabilitation for Randolph as "Sunbridge Nursing and Rehabilitation Center."

Massachusetts Superior Court for purposes of a medical malpractice tribunal ordered by this Court on June 28, 2005.

Respectfully submitted,

**Mediplex of Massachusetts, Inc. d/b/a
SunBridge Care and Rehabilitation for
Randolph**

by its attorneys,

/s/ Michael Williams

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Dated: July 7, 2005

LOCAL RULE 7.1 CERTIFICATION

I, Michael Williams, hereby certify that, pursuant to LOCAL RULE 7.1(A)(2), I conferred with counsel for the plaintiff, Helen Runge, on July 7, 2005 in a good-faith effort to resolve this motion.

Dated: July 7, 2005 /s/ Michael Williams